

## FARMINGTON CITY COUNCIL MEETING

December 4, 2018

### WORK SESSION

*Present: Mayor Jim Talbot; Councilmembers Rebecca Wayment, Brett Anderson, Doug Anderson, Cory Ritz, Alex Leeman, Brett Anderson; City Manager Shane Pace, Assistant City Manager Keith Johnson, Chief Wayne Hansen, City Development Director David Petersen, City Planner Meagan Booth, City Recorder Holly Gadd, and Recording Secretary Tarra McFadden*

### Legislative Update

Representative **Tim Hawkes** provided a legislative update. He stated that the Legislature would be looking at the record surplus carefully and putting money into capital projects and rainy day finds. He said that the change in leadership would benefit Northern Utah with **Stuart Adams** becoming the President of the Senate and **Brad Wilson** becoming the Speaker of the House. This will likely lead to transportation projects in northern Utah being prioritized. There will be a focus on economic development that includes workforce development and infrastructure investment rather than business incentives. Representative Hawkes is co-sponsoring legislation to require secondary water metering to improve efficiency and conservation. He discussed the medical marijuana legalization and how that will be implemented.

Councilmembers brought up the cap that limits Cities from having more than 25% of their budget held in reserve. They would like to be able to save in the good years, instead of committing to capital projects rather than exceed the cap. **Shane Pace** asked about changes to the referendum process and Representative Hawkes said that the Cottonwood development ballot measure and some of the statewide ballot initiatives were cautionary tales in the perils of direct democracy.

Mayor **Jim Talbot** invited Representative Hawkes to speak at the Council of Governments meeting scheduled for January 16. Representative Hawkes thanked the Council for inviting him to participate in the work session and encouraged them to reach out with future ideas concerns about legislative issues.

### Report from Chief Hansen

Chief Hansen updated the Council about enforcement related to marijuana possession with newly legalized medical marijuana. He said that in consultation with the City and County Attorneys enforcement of possession was scaled back and referrals would be made to prosecutors for misdemeanor amounts. Arrests were still being conducted if large amounts of marijuana are present as they are likely indicative of distribution.

### Update related to property purchase

**Shane Pace** updated the Council related to the purchase of an easement from David and Karen Cook property. The Council supported the purchase of the easement and gave **Shane Pace** the go-ahead to move forward.

### Creekside Manor continued

Mayor **Jim Talbot** reminded the Council that the Creekside Manor subdivision public hearing was continued to the Regular Session. He stated that the Trails Committee would be given time to speak as part of the Staff Report and then the Public Hearing would resume. He said most of the concerns he has heard are not related to density, but whether or not the property owners will support a trail.

## **REGULAR SESSION**

*Present: Mayor Jim Talbot; Councilmembers Rebecca Wayment, Brett Anderson. Doug Anderson, Cory Ritz, Alex Leeman, Brett Anderson; City Manager Shane Pace, Assistant City Manager Keith Johnson, Chief Wayne Hansen, City Development Director David Petersen, City Planner Meagan Booth, City Recorder Holly Gadd, and Recording Secretary Tarra McFadden*

### **CALL TO ORDER:**

Mayor **Jim Talbot** called the meeting to order at 7:02 p.m.

### **Roll Call (Opening Comments/Invocation/Pledge of Allegiance)**

The invocation was offered by **Alex Leeman** and the Pledge of Allegiance was led by Ethan of Troop 1903.

Becca Welch from the Youth City Council introduced herself. She said that she was a sophomore at Farmington High and that she hopes to be a NICU nurse. She enjoys riding horses and playing four different instruments.

### **PRESENTATIONS:**

#### **Introduction of New City Manager and Administration of Oath of Office**

**Holly Gadd** administered the Oath of Office to the New City Manager **Shane Pace**. **Shane Pace** introduced his wife Trudy and his son Adison. He said that he has a love for working in local government and interacting with the public. He has 28 years of experience and will make it a priority to build trust with the community. Mayor **Jim Talbot** reviewed the interview process and noted that the City Council and the department heads unanimously recommended **Shane Pace** to be hired as the new City Manager.

### **PUBLIC HEARINGS:**

#### **Amend the Fiscal Year 2019 Budget**

**Keith Johnson** said the City had received a settlement from UDOT related to the park mitigation and the City is ready to purchase land for the new park. Because it is a large amount of money, policy requires that the budget be amended.

*Mayor Jim Talbot opened the public hearing at 7:23 p.m.; with no one signed up to address the Council on the issue, he immediately closed the public hearing.*

### ***Motion:***

**Doug Anderson** moved that the City Council adopt the enclosed resolution which amends the budget for fiscal year ending June 30, 2019.

**Alex Leeman** seconded the motion which was approved unanimously.

### **Introduction of New City Planner**

Dave Peterson introduced the new City Planner Meagan Booth. She was previously a planner for Holladay City and is excited to work for Farmington City.

### **Schematic Subdivision Creekside Manor (continued)**

Dave Petersen reviewed information from the staff report about the Creekside Manor subdivision. He stated that the Planning Commission recommended approval of the schematic subdivision with several findings and conditions including the recommendation for a trail along Farmington Creek. Dave Petersen noted that the Planning Commission was not concerned about density with their recommendation.

**Doug Anderson** asked about adjacent property that would be required to continue the trail. **Dave Millheim** said that City staff have discussed the property and have made a tentative offer on the portion of the trail to the north of the subject property.

Dave Petersen said that there may be a better way to lay out the subdivision as the current layout creates underutilization. He will talk with Jerry Preston and property owners about other layout options.

**Ron Robinson**, 92 North Country Bend Road, is the Chairman of the trails committee and reviewed the benefits of having the trails available and the importance of having the City support their development. He spoke in favor of a trail along Farmington Creek as a connector to existing trails based on the trails master plan. He expressed concern that if this trail is not supported, it will establish a precedent to ignore the trails master plan and result in a battle every time future development is reviewed.

***Mayor Jim Talbot continued the public hearing at 7:51 p.m.***

**Natalie Larsen**, 2182 Prairie View Drive, spoke as an avid runner and hiker and said that the trails system is an asset to the city that allows residents and others to enjoy Farmington. She is able to train for long distance runs without leaving the city because of the trail connectivity. She asked that the City Council protect, maintain and improve the trails. She said that even though her house will be impacted by the West Davis Corridor she plans to stay in Farmington because of the trails.

**Tracy McCoy**, 685 South 250 East, said that the trails are the crown jewel of the city and have taken time and effort to establish. He mentioned other cities with established trails but noted the connectivity of Farmington's trails. He asked that the City support the time and investment that has already been put into the trail system and continue the support moving forward.

**Dell Moyes**, 982 West 500 South, has lived in the city for 24 years and has enjoyed the trails. He stated that he was never contacted by anyone from the city about adding a trail to his property.

He said that the 10 years ago he was approached about efforts to dredge the creek and put in an access road, but that never went anywhere. Recently he approached Jerry Preston about putting in a subdivision but they wouldn't have pursued the subdivision if they had known the trail was going to be a condition. He said that he was not concerned about the floodplain issues because there had not been issues to date. He said that the Master Plan was put together in 1993 and did not include this portion of the trail or the West Davis Corridor.

**Amy Shumway**, 1178 Frontline Way, she highlighted the connectivity of the trails by describing the trail starting above Farmington Pond to the proposed connection that would eventually end at the bird refuge. She was concerned that small areas would get disconnected if the trails plan wasn't followed. She encouraged the City Council to continue to support the creation of trails.

**Scott Briggs**, 703 Country Lane, said that his home backs up to the trail. He said that he grew up in East Salt Lake City and that without prioritizing trails, development became an obstacle to their creation. He has the ability to commute to downtown Salt Lake by biking along the trail to Station Park and then riding the train. He said that the trails were essential for his overall health and well-being as they allow him access to the train station. He said he understands the concerns that come with having a home come back up to the trail, but feels that the City Council has a responsibility to the public as a whole. He said that the city should have better communication with the property owners, but supports the trail along the proposed subdivision.

**George Coleman**, 511 South 1175 West, identified himself as a land owner with property along the creek. He said that he did not want a trail in his backyard and expressed concern about trash, dogs and the public walking along his property. He said that he opposed the trail along the proposed subdivision. He suggested the trail connect by putting sidewalks along 500 South to 1100 West.

**Rhonda Mills**, 67 East 1190 South, said that she attended a Davis County active transportation meeting which encouraged Cities to create East-West connections. She said she would like to see support for the trail connectivity continue and hoped that a resolution could be reached where all parties were satisfied. She said that this trail is a vital connection point and that the decision should not be rushed.

**Shawn Beus**, 1727 Clark Lane, reiterated that the Planning Commission unanimously supported the trail as a condition for the schematic subdivision approval. He said that he is also representing Davis County and they want the trail connectivity to continue. He noted that the assembly of trails take decades and that with more development the Council's decision on this issue could establish a precedent. He said that the Master Plan has been in place for a long time and that the developer has knowledge about trails in the area.

**Ben Barris**, 872 Country Lane, said that he lives south of the development. He said that the discussion assumes that the trail exists, but it is only at the conceptual stage. He suggested that the trail connection happen along DRG and 500 South. He argued that trails do not increase property value. He said that he had spoken to Jerry Preston who was willing to pay for a sidewalk to make the connection. He suggested that otherwise it may take decades to piecemeal the trails together. He expressed concerns about inmates wandering the trails unsupervised. He

said that the TDR is a tool to justify smaller lots and take random pockets of open space into something useful. He said that using a TDR for something that does not exist and the City has never lost just to capture money out of the process is bothersome.

**Scott Korford**, 747 South 400 East, said that one hundred years from now people will not care about the development, but will care about the establishment of the trail. He asked that the City Council take into consideration the many versus the few.

**Jason Ellsworth**, 401 South 1100 West, said he lived near the property and was concerned about the trail. He said that neighbor's biggest concern is not about the trail but about the density the lot sizes and the lot layouts. He said that they would be the smallest lot sizes in the area. He said that a neighbor was recently denied a lot realignment because the zoning in the area requires a minimum lot size, so approving smaller lots next to the property is incongruous. He said the subject property was originally drawn as a 4 or 5 lot subdivision, but the current proposal puts a home right along his back fence with the setback needed from the cul-de-sac. He said this is the farming part of Farmington. He said that the trail is not his favorite idea, but he understands that it is a community feature. He said that he would get the traffic of the trail along his backyard, but no connectivity from his lot because of the creek. He mentioned that because of the West Davis Corridor the trail would have to reach the bird refuge via an underpass. He would like the City Council to support lot sizes that conform to existing zoning.

**Lisa Webster**, 732 West 500 South, said that she was a big advocate of trails, but that she is a bigger advocate of property owner rights. She said that she fought for Alan Bangerter and said that if current property owners do not want the trail, the City Council should side with them. She said that the Master Plan is always referenced and sometimes the City Council adhered to it and sometimes it is overlooked. She said that she never thought she would be on the side of the developers, but she supports the subdivision being approved without the trail.

**Glen Schimmelpfennig**, 387 South 1100 West, he said that he knows of a gentleman with property on both sides of creek who cut the embankments down, and added a concrete bridge. He said that the trail would protect the trees and protect the embankment because the City would protect the creek. He said he would not be happy about the trail, but if the integrity of the creek was maintained he would be supportive.

**Mayor Jim Talbot continued the public hearing at 8:38 p.m.**

**Brett Anderson** said that the discussion has been about liking or not liking the trail, but the policy question is about whether this is a good use of land and if it is then that City Council needs to look at density and whether the developer is complying with code. He said that it was unclear if the TDR for the establishment of the trail. He said that the PUD process has the flexibility to exact what the City wants out of the developer. He referenced the rights of the one versus the desires of the many at that government is at its finest when it is protecting the rights of the one. He referenced Federalist 54 and suggested that James Madison would be appalled about the existence of zoning laws. **Brett Anderson** said that if the City Council approves the development with the trail that the applicant has the right to withdraw the application and submit for four 1-acre conforming lots and the City Council would have no leverage. He said that he

was skeptical that this trail connection was a crucial aspect of the entire trail system. He referenced the Seven Sacred Pools in Maui and said that the beauty of the pools is not ruined by having to cross a parking lot to access some of the pools. He said that there are other options for the trail to connect. He wants to get to a “win-win”. He said that the City Council was elected to make decisions and it may go against what the staff might want.

**Doug Anderson** said that he feels similarly to **Brett Anderson**. He said that he loves the trails and supports connectivity, but supported looking at other ways to connect the trail. He said that he hopes the City can communicate more effectively.

**Alex Leeman** said that the AE zoning allows for 1-acre minimum lot sizes and that to increase density, a TDR can be used to provide open space; similarly a conservation subdivision would have dedicated open space. He noted that property owners are against the public amenity proposed in that spot and he would be uncomfortable forcing it on the property. He said that the general plan map shows a trail through the area and shows an entire recreational right-of-way along the creek. He said that it is a guiding document when making decisions but not a binding document. **Alex Leeman** said that if the land owner wants to develop with less density they are able to, but if they are seeking increased density the parties have to agree with what public good will be traded, such as a trail. He said that all parties should keep working on this issue.

**Cory Ritz** agreed that trails are not always good neighbors. He reviewed some of the comments made during the public hearing. He said that City could not force a trail connection onto unwilling property owners. He noted that when he purchased property in Farmington 26 years ago he was informed about the trails plan and contributed frontage for the trail. He said that it was disingenuous to say that the City has to live and die by the master trails plan. He pointed out that it would be difficult to complete the trail along either side of Farmington Creek. He was supportive of the option to connect the trail via the DRG as offered by the developer.

**Rebecca Wayment** said that if the master plan needs to be changed, it should be part of a larger discussion, rather than as applications are in front of the Council. She said that the bigger policy question is not whether or not the Council likes trails, but if as trail opportunities come up will the Council disregard the master plan. She said that she would have a problem granting the increased density to the development without compensation. She suggested that not all of the options have been explored.

**Dave Millheim** said that the approval of the subdivision with the increased density could happen using a TDR or a conservation subdivision option. He said that the Planning Commission did not care about the method, but wanted the trail connection. He said that all trails have been acquired through negotiated density with property owners. **Brett Anderson** said that if the developer does not like the condition, he could come in with a conforming lot that buries the trail and makes the connectivity discussion moot.

**Jim Talbot** said that he was surprised that there was only one comment related to the increased density across two public hearings. He suggested that if the developer is allowed increased density the City should get some benefit. He said that maybe this was not a good plan and that other options needed to be explored. **Rebecca Wayment** said that even with an approval, she

suspected the application would come back. **Alex Leeman** said that it could be dangerous to rely on the DRG trail to connect City trails since UTA owns the DRG. **Shane Pace** recommending that the Council table the item and allow the staff to work with the applicant and neighborhood to present a better proposal. **Brett Anderson** said that a common complaint is that the City takes a long time to do things, and that this matter should not be dragged out.

***Motion:***

**Doug Anderson** moved to table the item until December 18, 2018. **Alex Leeman** seconded the motion which was approved unanimously.

**Shane Pace** said that if the item was not ready to reconsider on December 18, he would provide an update about negotiations.

**SUMMARY ACTION:**

1. ICO Station Parkway, LLC Letter of Credit Improvements Agreement
2. Surplus Property - 2004 Dodge Durango

**Rebecca Wayment** moved, with a second from **Cory Ritz**, to approve summary action item 1 through 2 as contained in the staff report.

The motion was approved unanimously.

**GOVERNING BODY REPORTS:**

**City Manager Report**

**Shane Pace** referred to the staff reports related to the Fire Monthly Activity Report for October and the Building Activity Report for October.

**Shane Pace** presented a map of the regional transportation plan and said that the Shepherd Lane interchange was a priority.

**Shane Pace** said that a presentation will be forthcoming from Wasatch Integrated about a potential garbage fee increase.

**Shane Pace** noted that the developers for the Residences at Station Park have recently paid their park impact fees so the City will be able to finish off the park with those costs.

**Shane Pace** said that the County is considering a proposal to increase sales tax to create dedicated transportation dollars. The County is asking that the Cities provide letters of support related to the increase. The Council indicated that they were supportive of the Mayor signing such a letter of support.

**Mayor Talbot & City Council Reports**

**Councilmember Cory Ritz**

No updates to report.

**Councilmember Doug Anderson**

**Doug Anderson** said that the roundabout looks great and asked for an update on the horse statues. **Jim Talbot** said that as part of the contract the City will be sent a picture of the first horse which should be done before Christmas or the New Year. The first horse should be installed mid- to late summer.

**Councilmember Brett Anderson**

No updates to report.

**Councilmember Alex Leeman**

**Alex Leeman** asked why the City does not live stream its public meetings. He said that there is public interest in better access to meeting recordings.

**Jim Talbot** said that those interested should attend the meetings in person and that the minutes are available and audio recordings can be requested. He said that other Cities have expressed regret about broadcasting and that it leads to longer meetings where people grand stand. He expressed concern that things could be taken out of context.

**Shane Pace** suggested taking “baby steps” if there was Council support but not move to full live broadcast of meetings right away.

**Councilmember Rebecca Wayment**

**Rebecca Wayment** also talked about offering live video of meetings and said that it would provide a better level of accountability and transparency. She noted that people are not able to get the full picture of the meeting from the minutes as they are unable to convey tone or body language. She said that it was worth exploring further as there is an interest from residents and taking baby steps toward broadcasting the meetings.

**Doug Anderson** said he would support doing it if it waited until next year.

**Mayor Jim Talbot**

**Jim Talbot** reminded the Council of **Dave Millheim**’s retirement party which will be held on December 6 and the Christmas party on December 20.

**Jim Talbot** said he attended a ribbon cutting for the new trolley bus which will loop from Station Park, the hotels and to Lagoon. It will be year-round with extended hours in the summer.

**ADJOURNMENT**

***Motion:***

At 10:08 p.m., **Rebecca Wayment** moved to adjourn the meeting.



---

Holly Gadd, Recorder

**Posted 01/08/2019**